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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,507	12/05/2005	Manfred Hubinger	HUBINGER M ET AL 2 PCT	3822
25889 WILLIAM CO	7590 07/06/200 LLARD	7	EXAMINER	
COLLARD & ROE, P.C.			SHAW, CLIFFORD C	
1077 NORTHE ROSLYN, NY	RN BOULEVARD		ART UNIT	PAPER NUMBER
11002111,111	11370		1725	
			MAIL DATE	DELIVERY MODE
	•		07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		10/559,507	HUBINGER ET AL.			
		Examiner	Art Unit			
		Clifford C. Shaw	1725			
Daried 6	The MAILING DATE of this communication app	pears on the cover sheet with the c	correspondence address			
Period fo	• •	VIC CET TO EVRIDE 2 MONTH	SELOD THIRTY (30) DAVE			
WHI( - Exte after - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING D naions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Disperiod for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  (36(a). In no event, however, may a reply be ting  will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. (D) (35 U.S.C. § 133).			
Status	•					
1)⊠	Responsive to communication(s) filed on <u>06 A</u>	pril 2007.				
2a)⊠	This action is <b>FINAL</b> . 2b) This action is non-final.					
3)[	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
4)⊠	☑ Claim(s) <u>1-12</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
'=	Claim(s) is/are allowed.					
•	Claim(s) <u>1-12</u> is/are rejected.					
· · · · · · · · · · · · · · · ·	Claim(s) is/are objected to. Claim(s) are subject to restriction and/or election requirement.					
اساره	oralin(s) are subject to restriction and re-	· · · · · · · · · · · · · · · · · · ·				
Applicat	ion Papers					
	9) The specification is objected to by the Examiner.					
10)⊠	10)⊠ The drawing(s) filed on <u>05 December 2005</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
, —						
•	under 35 U.S.C. § 119		) (d) (D			
-	Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119(a	1)-(a) or (t).			
a	a)⊠ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received.						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
*	See the attached detailed Office action for a lis	t of the certified copies not receive	ed.			
• •	-Ma)					
Attachme	nt(s) ice of References Cited (PTO-892)	4) Interview Summan	y (PTO-413)			
2) 🔲 Not	ice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D 5) Notice of Informal	Date			
	rmation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date	6) Other:	. atom represents			

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## **Detailed Action**

1.) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.) Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huismann et al. (6,963,048, a U.S. equivalent of EP1384547 cited by applicant) taken with Bernard et al. (3,339,057). Figures 1-5 and the discussion at columns 4-6 in the patent to Huismann et al. (6,963,048) disclose a welding torch with features claimed, including: a torch body 108; a drive unit 302; a hose pack associated with element 105; a wire buffer at element 201; and a sensor as discussed at column 6, lines 59-67. The claims differ from the torch of Huismann et al. (6,963,048) in calling for the wire to follow a curved course to form the wire buffer storage. This difference does not patentably distinguish over the prior art. In describing the buffer 201, the patent to Huismann et al. (6,963,048) states "the buffer may be anything that stores and returns the extra wire, or provides an increased wire path length between the source and the torch." (see column 4, lines 53-54). Thus, at the time applicant's invention was made, it would have been obvious to have implemented the buffer 201 using any conventional wire storage or buffering technique. In particular, it would have been obvious to have used a wire buffering approach that involved a controlled curved course for the wire, the motivation being the teachings of Bernard et al. (3,339,057) that such is a useful technique for buffering or storing a length or wire that is being fed to a welding arc (see figures 6-8 and the discussion thereof in columns 9 and 10 of the patent to Bernard et al. (3,339,057)).

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3.) Applicants' arguments filed 4/6/2007 have been fully considered but they are not persuasive. Applicants argue against the rejection based on Huismann et al. (6,963,048), noting that in the system of Huismann et al. (6,963,048) the welding wire normally runs in a straight line through the wire buffer but applicants' claims call for the wire buffer to run along an arc. This argument is not persuasive of patentability. There is no structural limitation in applicants' claims that requires the welding wire to always follow a curved course. Applicant's claim 1 specifies that the wire course is curved when buffering occurs. This condition is met by the rejection based on Huismann et al. (6,963,048) set forth above.

4.) THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clifford C Shaw Primary Examiner Art Unit 1725

July 2, 2007